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GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

APR 30 2008

CERTIFIED MAIL 7003 2260 0005 9324 4201

Mr. Dan Cousins
General Manager
Stolthaven New Orleans, LLC – Braithwaite Terminal
2444 English Turn Road
Braithwaite, LA 70040

Re: Stolthaven New Orleans, LLC (Stolthaven) – Braithwaite Terminal
AI# 87738 - PER20080001 / LAR000043521
Issuance of a Hazardous Waste Emergency Permit (LAR000043521-EP-1)

Dear Mr. Cousins:

The Waste Permits Division is in receipt of your submittal dated April 24, 2008, requesting a hazardous waste emergency permit for Stolthaven New Orleans, LLC. The request is to authorize the following at the Braithwaite Terminal: 1) the storage and treatment of fluorosilic acid (FSA) solution by means of neutralization with a sodium hydroxide solution; 2) the clarification and solid/liquid separation of neutralized waste material; and 3) the storage of any and all hazardous waste removed from the clarifier. Approximately 500,000 gallons of 23% FSA solution (a water treatment chemical) will be treated.

As delineated in the accompanying Fact Sheet, pursuant to LAC 33:V.701.A, the Louisiana Department of Environmental Quality (LDEQ) finds there to be an imminent and substantial endangerment to human health and the environment. As Stolthaven does not hold a facility hazardous waste permit, LDEQ has determined that an emergency permit is necessary to authorize the future treatment and storage of the material. The permit is based on the request dated April 24, 2008, the Incident Action Plan and Neutralization Plan (incorporated by reference into the permit), information gathered by the LDEQ in conjunction with the Unified Command responding to the emergency, and on the applicant's certification that the submitted information is accurate and that all facilities were or will be maintained and operated as previously specified.

Attached is hazardous waste emergency permit LAR000043521-EP-1 which contains language governing the future treatment and storage of the approximately 500,000 gallons of 23% FSA solution currently stored in tanks C15-16, E12.5-7, and E12.5-10. As required by LAC 33:V.Chapter 7, the LDEQ will public notice (i.e., newspaper, mailing list and internet) the issuance of the emergency permit. The notice shall include: a) the LDEQ office granting the emergency authorization; b) name and location of the permitted TSD facility; c) brief description of the wastes; d) brief description of the action authorized and reasons; and e) duration of the emergency permit. Stolthaven will be billed directly by the newspapers for the publications.

Please reference Agency Interest Number (87738), Permit Activity Number (PER2008001) and EPA ID Number (LAR000043521) on all correspondence pertaining to this matter. If you have any questions, please contact Mr. Mike Hahn (225-219-3099) or Mr. Don Caffery (225-219-3450) of the Waste Permits Division.

Sincerely,



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Services

KCE

Attachments

c: Betty Brousseau – LDEQ OEC-Surveillance
Don Caffery – LDEQ OES-Waste Permits
Peggy Hatch – LDEQ OEC-Executive
Lourdes Iturralde – LDEQ OEC-Enforcement
Jeff Meyers – LDEQ OEC-Emergency Response
Donald Trahan – LDEQ OSEC-Legal Services

PUBLIC NOTICE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)
STOLTHAVEN NEW ORLEANS, LLC (STOLTHAVEN)
BRAITHWAITE TERMINAL
HAZARDOUS WASTE EMERGENCY PERMIT

The LDEQ, Office of Environmental Services, has issued a Hazardous Waste Emergency Permit, LAR000043521-EP-1, to Stolthaven New Orleans, LLC, for the Braithwaite Terminal. Stolthaven operates a bulk liquid storage terminal located at 2444 English Turn Road, Braithwaite, Plaquemines Parish.

On March 17, 2008, Stolthaven notified the LDEQ of a leak in a storage tank of Fluorosilicic Acid (FSA) solution (a commercial water treatment chemical) that was isolated to the tank's secondary containment. Due to Stolthaven's spill response and recovery activities, approximately 500,000 gallons of the FSA solution continues to be stored at the facility. Recovered FSA solution that is no longer a viable commercial product will be managed as a hazardous waste. The waste generated is characteristically hazardous for corrosivity (D002) and arsenic (D004). Various governmental agencies, including the LDEQ and the US Coast Guard (the lead agency) are coordinating their response to the incident under a "Unified Command" for the National Response Center.

Long-term storage of the material at the facility is not recommended due to: 1) the acidic nature of the material and its incompatibility with the storage tanks; and 2) the potential chemical hazards associated with the material. In addition, due to the nature and large volume of the material, commercial treatment storage and disposal facilities do not have the capability to fully manage this waste stream. On-site treatment will ensure the material is isolated and handled in a safe and protective manner. In addition, once treated, the material will be safe for transport.

The issuance of this permit will result in an environmental benefit by allowing the waste to be treated and stored in a controlled manner. The duration of the Emergency Permit is for 90 Days, May 1, 2008 to July 29, 2008.

The emergency permit authorizes:

- 1) The storage and treatment of FSA solution by means of neutralization;
- 2) The clarification and solid/liquid separation of neutralized waste material; and
- 3) The storage of any and all hazardous waste removed from the clarifier.

Additional requirements regarding notification, inspection, and contingency planning are delineated in the permit and/or requirements of the facility's incident response plan. Upon completion of the treatment of the material, the liquids and solids will be transferred to trucks, manifested and transported to a permitted commercial disposal facility(ies) for proper disposal.

The Emergency Permit and Fact Sheet are available for review at the LDEQ, Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, LA. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays). The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ public website at www.deq.louisiana.gov.

Additional copies may be reviewed at the Plaquemines Parish Library, Belle Chasse Branch, 8442 Highway 23, Belle Chasse, LA 70037.

Inquiries or requests for additional information regarding this permit action should be directed to Mr. Mike Hahn, LDEQ, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3099 or Mr. Don Caffery at the same address, phone (225) 219-3450.

Persons wishing to be included on the LDEQ permit public notice mailing list or for other public participation related questions should contact the Public Participation Group in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, by email at deqmaillistrequest@la.gov or contact the LDEQ Customer Service Center at (225) 219-LDEQ (219-5337).

Permit public notices including electronic access to the Emergency Permit and Fact Sheet can be viewed on the LDEQ permits public webpage at www.deq.louisiana.gov/apps/pubNotice/default.asp and general information related to the public participation in permitting activities can be viewed at www.deq.louisiana.gov/portal/tabid/2198/Default.aspx.

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at www.doa.louisiana.gov/oes/listservpage/ldeq_pn_listserv.htm.

All correspondence should specify AI Number 87738, Permit Number LAR000043521-EP-1, and Activity Number PER20080001.

Scheduled Date of publication: Tuesday, May 6, 2008 in the Advocate and the Plaquemines Gazette

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE EMERGENCY PERMIT

FACT SHEET

FACILITY NAME: Stolthaven New Orleans, LLC (Stolthaven) – Braithwaite Terminal

FACILITY LOCATION 2444 English Turn Road
Braithwaite, LA 70040
Plaquemines Parish

PERMIT NUMBER: LAR000043521-EP-1
Agency Interest# 87738 / Permit Activity# PER20080001

EPA ID NUMBER: LAR000043521

HAZARDOUS WASTE: 23% Fluorosilicic Acid (FSA) solution: Hazardous Waste Codes D002 (characteristically hazardous for corrosivity) and D004 (characteristically hazardous for arsenic)

PERMIT CONTROLS: (LAC 33:V.701.A) The Permit duration is limited to ninety (90) days, May 1, 2008 through July 29, 2008.

PERMIT BASIS: For the purposes of the emergency permit, the “Unified Command” consists of governmental agencies, including the Louisiana Department of Environmental Quality (LDEQ), coordinating their response to the emergency at Stolthaven under the National Response Center Incident # 865246, dated March 17, 2008. (The LDEQ incident number is s08-1036). The US Coast Guard is the lead governmental agency.

Stolthaven operates a bulk liquid terminal in Braithwaite, Louisiana, Plaquemines Parish. On March 17, 2008, at about 9:00 AM a Stolthaven employee observed a leak of FSA (a water treatment chemical) solution from bulk liquid storage tank C15-16. The leak was isolated to the tank’s secondary containment system. The leak occurred near a vertical weld in a tank wall resulting in the release of approximately 454,465 gallons of 23% FSA solution from the tank. Stolthaven provided the required verbal notifications upon discovery of the release and submitted a follow-up written release

FACT SHEET

Stolthaven – Braithwaite Terminal (Agency Interest# 87738)

Hazardous Waste Emergency Permit (LAR000043521-EP-1)

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report dated March 24, 2008, in accordance with LAC 33:I.3925. Approximately 500,000 gallons of 23% FSA solution are currently contained in tank C15-16 (the portion of the FSA solution remaining below the tank wall rupture) and tanks E12.5-7 and E12.5-10, which are being used to store FSA solution recovered during the facility's spill response.

Therefore, storage of the material at the facility is not recommended due to: 1) the acidic nature of the material and its incompatibility with the storage tanks; and 2) the potential chemical hazards associated with the material. Due to the nature and large volume of the material, commercial treatment storage and disposal facilities do not have the capability to fully manage this waste stream. On-site treatment will ensure the material is isolated and handled in a safe and protective manner. In addition, once treated, the material will be safe for transport.

Given the aforementioned, the LDEQ finds there is an imminent and substantial endangerment to human health and the environment. Issuance of the emergency permit LAR000043521-EP-1 to Stolthaven is warranted due to the FSA solution's chemical properties and its potential chemical hazards. The issuance of this permit will result in an environmental benefit by allowing the waste to be treated and stored in a controlled manner.

The Incident Action Plan and Neutralization Plan (IAP/NP) to be approved by the Unified Command (including the LDEQ) has been incorporated into the permit by reference and contains information regarding the storage and treatment authorized by the emergency permit. The emergency permit authorizes: 1) the storage and treatment of FSA solution by means of neutralization with a sodium hydroxide solution; 2) the clarification and solid/liquid separation of neutralized waste material; and 3) the storage of any and all hazardous waste removed from the clarifier. Additional requirements regarding notification, inspection, and contingency planning are delineated in the permit and/or requirements of the plan.

This permit does not authorize on-site disposal or any other waste management activities not explicitly delineated in the IAP/NP. Upon completion of the treatment of the FSA solution, the liquids and solids will be transferred to trucks, manifested and transported to a permitted disposal facility(ies) for proper disposal.

FACT SHEET

Stolthaven – Braithwaite Terminal (Agency Interest# 87738)

Hazardous Waste Emergency Permit (LAR000043521-EP-1)

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PUBLIC NOTICE:

The LDEQ will issue a public notice as required by LAC 33:V.Chapter 7. The notice shall include:

- a) the LDEQ office granting the emergency authorization;
- b) name and location of the permitted TSD facility;
- c) brief description of the wastes;
- d) brief description of the action authorized and reasons;
and
- e) duration of the emergency permit.

CONTACT:

Mr. Michael Hahn
LDEQ Waste Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4313
(225) 219-3099

Mr. Don Caffery
LDEQ Waste Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4313
(225) 219-3450

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

HAZARDOUS WASTE EMERGENCY PERMIT

Pursuant to the Louisiana Environmental Quality Act (R.S. 30:2001 et seq; "the Act") as amended, Rules and Regulations effective or promulgated under the authority of the Act, including but not limited to LAC 33:V.701, and in reliance on statements and representations heretofore made by the Permittee, this emergency permit for storage and treatment of hazardous waste is issued to:

PERMITTEE: **Stolthaven New Orleans, LLC**

PERMIT NUMBER: **LAR000043521-EP-1**
 Agency Interest# 87738 / Permit Activity# PER20080001

EPA ID NUMBER: **LAR000043521**

FACILITY LOCATION: **2444 English Turn Road**
 Braithwaite, LA 70040
 Plaquemines Parish

This permit authorizes the: 1) the storage and treatment of fluorosilic acid (FSA) solution by means of neutralization with a sodium hydroxide solution; 2) the clarification and solid/liquid separation of neutralized waste material; and 3) the storage of any and all hazardous waste removed from the clarifier. The hazardous waste that will be treated under this permit is 23% FSA solution and is a characteristic hazardous waste for corrosivity (D002) and for arsenic (D004). Storage and treatment of hazardous waste shall be in accordance with the conditions, limitations, monitoring, and other requirements set forth in this permit.

This permit approval is based on a determination by the Administrative Authority that conditions at the Permittee's facility pose a potential for imminent and substantial endangerment to human health and/or environment.

This permit shall be effective as of May 1, 2008 and shall remain in effect until July 29, 2008 unless revoked, reissued, modified or terminated.



Cheryl Sonnier Nolan
Assistant Secretary

30 April 2008
Date

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**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

HAZARDOUS WASTE EMERGENCY PERMIT

**Stolthaven New Orleans, LLC
Agency Interest# 87738
EPA ID# LAR000043521**

**2444 English Turn Road
Braithwaite, LA 70040
Plaquemines Parish**

**Permit# LAR000043521-EP-1
Permit Activity# PER20080001**

PREAMBLE

This emergency permit (the "permit"), LAR000043521-EP-1, is issued to Stolthaven New Orleans, LLC (the "Permittee") by the Louisiana Department of Environmental Quality (the "LDEQ") under authority of the Louisiana Hazardous Waste Control Law (the "Act"), R.S. 30:2171 et seq., and the regulations adopted thereunder, including but not limited to, LAC 33:V.701.

For the purposes of the permit, the "Administrative Authority" is the Secretary of the Department of Environmental Quality, or his/her designee.

For the purposes of the permit, the "Unified Command" consists of governmental agencies, including the LDEQ, coordinating their response to the emergency at Stolthaven under the National Response Center Incident # 865246, dated March 17, 2008. (The LDEQ incident number is s08-1036). The US Coast Guard is the lead governmental agency.

The permit is based on information gathered by the LDEQ in conjunction with the Unified Command, the permit application, documents incorporated by reference into the permit, and on the Permittee's certification that submitted information is accurate and that all facilities were or will be maintained and operated as previously specified.

1.0 EFFECT OF THE PERMIT

- 1.1 Compliance with the permit during its term constitutes compliance for the purpose of enforcement.

- 1.2 The issuance of the permit does not authorize any injury to persons or property, or invasion of other private rights, or any infringement of State or local laws or regulations.
- 1.3 The Permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Act and may result in enforcement action, permit termination, revocation, reissuance, or modification.
- 1.4 It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- 1.5 The Permittee shall immediately take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit as required by LAC 33:V.309.D.
- 1.6 The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related ancillary equipment) that are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
- 1.7 The permit does not convey any property rights of any sort, nor any exclusive privilege.
- 1.8 The Permittee shall furnish to the LDEQ, within a reasonable time, any information which the LDEQ may request, including but not limited to, copies of records required by the permit and in accordance with LAC 33:V.309.H.
- 1.9 The Permittee shall allow the LDEQ or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - 1.9.1 enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be maintained under the conditions of the permit;
 - 1.9.2 have access to and copy, at reasonable times, any records that must be maintained under the conditions of the permit;
 - 1.9.3 inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operation regulated or required under the permit; and
 - 1.9.4 sample or monitor, at reasonable times, for the purpose of assessing permit compliance or as otherwise authorized by the LDEQ, any substance at any location.

- 1.10 The permit is not transferable to any other person.
- 1.11 The Permittee is authorized to conduct the following hazardous waste activities:
 - 1.11.1 the storage and treatment of fluorosilic acid (FSA) solution by means of neutralization with a sodium hydroxide solution, or as otherwise required by the Incident Action Plan and Neutralization Plan (IAP/NP);
 - 1.11.2 the clarification and solid/liquid separation of neutralized waste material; and
 - 1.11.3 the storage of any and all hazardous waste removed from the clarifier for a period not to exceed ninety (90) days.
- 1.12 The permit authorizes the Permittee to store and treat hazardous waste associated with the IAP/NP. The permit does not authorize the Permittee to commence with the authorized work until the IAP/NP is updated and completed (i.e., all comments issued by the Unified Command [including the LDEQ] are addressed). The plan shall be approved by the Unified Command (including the LDEQ) and a start-up inspection held (Section 7.1 of the permit) prior to the LDEQ Office of Environmental Services Assistant Secretary, or her designee, giving verbal (or email) authorization for the storage and treatment of hazardous waste covered by the permit. Depending on the timing of the approval of the IAP/NP, the authorization may be given simultaneous with the issuance of the permit.

2.0 REPORTING REQUIREMENTS

- 2.1 In accordance with LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the Louisiana Emergency Materials Hotline by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required herein will be made regardless of the amount of the discharge.
- 2.2 In accordance with LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in Subchapter E of LAC 33:I.Chapter 39 but that does not cause an emergency condition, the discharger shall promptly notify the LDEQ within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

- 2.3 In accordance with LAC 33:I.3925, follow-up written notification shall be submitted to SPOC for any unauthorized discharge reported under LAC 33:I.Chapter 39.
- 2.4 The Permittee shall give at least 48-hour advance written notice to the LDEQ of any planned changes in the permitted activities that may result in noncompliance with permit requirements (or declarations included in any documents incorporated by reference in the permit).
- 2.5 Monitoring reports shall be submitted according to the intervals and procedures specified in writing by the LDEQ in conjunction with the Unified Command.
- 2.6 The results of waste analyses and waste determinations shall be reported to the Unified Command (including the LDEQ) as soon as possible. This shall include both verbal and written communications.
- 2.7 NOTICE OF INCAPACITY - The Permittee shall notify the Unified Command (including the LDEQ) in the event the Permittee is no longer able to complete activities authorized by the permit for any reason, including but not limited to, the inability of the Permittee to pay the associated costs of treatment, storage and disposal of the waste and closure of the units. Notification shall be given immediately (i.e., within 24 hours of discovery) by telephone and/or email and immediately (i.e., within 24 hours) followed up with a certified letter delivered to the Unified Command (including the LDEQ).
- 2.8 The Permittee shall submit a closeout report to the Unified Command (including the LDEQ) documenting all activities conducted under the permit. The report shall include all aspects of the treatment and storage operations, including design & operations, volumes, analyses, monitoring results, inspection results, problems, changes implemented during the course of the work, etc.
- 2.9 In accordance with LAC 33:V.1529.D, an annual report must be submitted to the LDEQ by the Permittee covering activities at the facility for the previous year. The annual report shall be combined with the facility's annual report submitted in accordance with LAC 33:V.Chapter 11 by March 1st of each year.

3.0 SUSPENSION, MODIFICATION, AND TERMINATION

- 3.1 Any inaccuracies found in the information submitted by the Permittee upon which the permit is based may be cause for revocation or modification of the permit. The Permittee must inform the LDEQ of any deviation from, changes or inaccuracies in the information previously submitted in support of the issuance of the permit.

- 3.2 The LDEQ may also suspend, modify, revoke and reissue, or terminate the permit at any time when necessary to be protective of human health or the environment.
- 3.3 Based upon the receipt of any information (e.g., facility inspection, information received from the Permittee, file review, request for suspension, modification, or termination, etc.) the LDEQ may also suspend, modify, revoke and reissue, or terminate the permit.
- 3.4 The LDEQ may also suspend, modify, revoke and reissue, or terminate the permit for noncompliance with any condition of the permit or declarations included in any documents incorporated by reference into the permit.

4.0 SERVICES

- 4.1 The Permittee must have access to required services, including medical care, police, and fire protection.

5.0 SPILLS

- 5.1 Spill protection (i.e., containment) shall be provided under hose/pipe connections, sample points, and other points of non-permanent junctures with reasonable spill potential.
- 5.2 Any spill of a material that is hazardous waste or containing hazardous constituents must be cleaned up and disposed of in a timely manner.
- 5.3 Spills resulting in a release of a reportable quantity must be reported in accordance with Section 2.0 of the permit.
- 5.4 The Permittee will follow the permit, IAP/NP, and the facility's spill prevention planning, to the extent possible, regarding spill prevention.

6.0 SECURITY

- 6.1 The Permittee must ensure that the facility is fenced to control ingress and egress by the public. The gate at each entry must be equipped with a secure locking device to ensure public protection from hazards to health from contact with hazardous operations.

7.0 INSPECTIONS

- 7.1 A professional engineer shall conduct a thorough Start-Up Inspection of the entire treatment, clarification, and solid/liquids separation systems to ensure that all gaskets, connections, drip pans, transfer hoses, etc. are sound and ready for leak-

free service. The inspection shall be conducted in accordance with procedures specified in the IAP/NP. Verbal (or email) authorization per Section 1.12 shall not be issued until the Start-Up Inspection has been completed and the results are satisfactory to the Unified Command (including the LDEQ).

- 7.2 The Permittee must conduct a visual inspection for potential defects of the feed systems, transfer lines, circulation system, treatment tanks, clarifier, solid/liquid separation systems, and loading system prior to initiation of each batch. The results of the inspection must be recorded in the inspection log.
- 7.3 The Permittee shall conduct other inspections as otherwise delineated in the IAP/NP.

8.0 PERSONNEL TRAINING

- 8.1 All personnel involved in the execution of the IAP/NP shall be trained in the following, as a minimum:
 - 8.1.1 plan processes and procedures;
 - 8.1.2 the use of personal protective equipment;
 - 8.1.3 process hazards and chemical hazards (e.g., MSDS sheets);
 - 8.1.4 emergency response;
 - 8.1.5 location of safety showers, eye-wash stations;
 - 8.1.6 site evacuation routes; and
 - 8.1.7 all other training specifically required by the IAP/NP.
- 8.2 All personnel involved in the execution of the IAP/NP shall be trained at appropriate intervals in all applicable safety, hazardous waste management, and emergency response programs (e.g.; OSHA, RCRA, HAZWOPER, HAZMAT, etc.).
- 8.3 The Permittee must maintain records documenting personnel training onsite.

9.0 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPLATIBLE WASTES

- 9.1 The Permittee is NOT authorized to treat or store reactive, ignitable or incompatible waste, except as authorized in the IAP/NP or in the body of the permit.
- 9.2 The Permittee shall take precautions to prevent reactions which:
 - 9.2.1 generate unplanned extreme heat or pressure, fire or explosions, or violent reactions;

- 9.2.2 produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;
 - 9.2.3 produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;
 - 9.2.4 damage the structural integrity of the device or facility; or
 - 9.2.5 through other means, threaten human health or the environment.
- 9.3 Waste must be sufficiently separated or protected to prevent mixing, ignition, or reaction as a result of a spill or other cause, except as authorized in the IAP/NP or in the body of the permit.
- 9.4 Any container used to transport waste must be emptied before leaving the disposal site. Such activities should be performed as to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent shipment or of itself render any future load hazardous. All material resulting from such cleaning must be considered a hazardous waste unless otherwise approved by the LDEQ.

10.0 CONTINGENCY PLAN

The Permittee shall follow the contingency plan for the facility as required by LAC 33:V.Chapter 11 and the specific contingency planning requirements delineated in the IAP/NP. Unless otherwise allowed for by the IAP/NP or in written approval from the Unified Command (including the LDEQ), the following conditions shall apply as per LAC 33:V.1513.

- 10.1 The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
- 10.2 The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.
- 10.3 The plan shall be revised each time the operations are changed due to expansion, change in type or quantity of waste handled, or other changes which affect the degree or type of possible emergency situation.
- 10.4 The plan must describe the actions personnel must take to comply with LAC 33:V.1513.B and F in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

- 10.5 The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services. Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record. The Permittee must attempt to make the following:
 - 10.5.1 arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;
 - 10.5.2 where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - 10.5.3 agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and
 - 10.5.4 arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
- 10.6 The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and the list must be kept up to date. When more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
- 10.7 The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. The list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.
- 10.8 The plan must include an evacuation plan for personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.
- 10.9 A copy of the plan and all revisions to the plan must be maintained at the facility and additional copies must be submitted to the LDEQ; Unified Command; and also all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

- 10.10 The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
 - 10.10.1 the permit is revised, as necessary;
 - 10.10.2 the plan fails in an emergency;
 - 10.10.3 applicable regulations are revised;
 - 10.10.4 the facility changes its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
 - 10.10.5 the list of emergency coordinators changes; or
 - 10.10.6 the list of emergency equipment changes.
- 10.11 At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures (see LAC 33:V.1513.F). The emergency coordinator must be thoroughly familiar with all aspects of the contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, the person must have the authority to commit the resources needed to carry out the contingency plan.
- 10.12 Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:
 - 10.12.1 activate internal facility alarms or communication systems, where applicable, to notify all personnel; and
 - 10.12.2 notify appropriate state or local agencies with designated response roles if their help is needed.
- 10.13 Whenever there is a release, fire, or explosion, the emergency coordinator must immediately:
 - 10.13.1 identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifest, and, if necessary, by chemical analysis.
 - 10.13.2 assess possible hazards to human health or the environment that may result from the release, fire or explosion. The assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

- 10.14 If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:
 - 10.14.1 if his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
 - 10.14.2 he must immediately notify the state official designated as the on-scene coordinator for that geographical area and provide:
 - 10.14.2.1 name and telephone number of reporter;
 - 10.14.2.2 name and address of facility;
 - 10.14.2.3 time and type of incident (e.g., release, fire);
 - 10.14.2.4 name and quantity of material(s) involved, to the extent known;
 - 10.14.2.5 the extent of injuries, if any; and
 - 10.14.2.6 the possible hazards to human health or the environment, outside the facility.
- 10.15 During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.
- 10.16 If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- 10.17 Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the Permittee can demonstrate that the recovered material is not a hazardous waste, the Permittee becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements.
- 10.18 The emergency coordinator must ensure that in the affected area(s) of the facility:
 - 10.18.1 no waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
 - 10.18.2 all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

- 10.19 The Permittee must notify SPOC and the appropriate state and local authorities that the facility is in compliance with Paragraph 10.8 of this section before operations are resumed in the affected area(s) of the facility.
- 10.20 The Permittee must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to SPOC that includes:
 - 10.20.1 name, address, and telephone number of the Permittee;
 - 10.20.2 name, address, and telephone number of the facility;
 - 10.20.3 date, time, and type of incident (e.g., fire, explosion);
 - 10.20.4 name and quantity of material(s) involved;
 - 10.20.5 the extent of injuries, if any;
 - 10.20.6 an assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - 10.20.7 estimated quantity and disposition of recovered material that resulted from the incident.

11.0 GENERAL PERMIT CONDITIONS

11.1 Certifications

- 11.1.1 Any documents, plans, and/or reports required to be submitted by the permit must be signed by an authorized facility representative.
- 11.1.2 The Permittee must provide a certification statement verifying that all materials, transfer hoses, connections, tanks, and pumps are compatible with all process fluids for the treatment and storage as specified in the IAP/NP.
- 11.2 The latest approved version of the IAP/NP approved by the Unified Command (including the LDEQ) shall be followed at all times. No deviations from or revisions to the plan will be considered valid unless submitted to and approved by Unified Command (including the LDEQ). Unless otherwise specified by the LDEQ, a permit modification shall not be required to keep the plan current once the original plan has been approved.
- 11.3 A Louisiana independent registered professional engineer shall: 1) review the plans and associated documents; 2) inspect the equipment and specifications; and 3) certify that the arrangements are appropriate for the treatment and storage of hazardous waste in accordance with the permit (and LAC 33:Chapter V, if requirements are not explicitly allowed for by the permit and the IAP/NP).
- 11.4 Materials of construction for the equipment used during all stages of the storage and treatment authorized under the permit shall be compatible with the FSA

solution, caustic neutralizing solution and resulting salt solution, as applicable, to minimize corrosion and erosion.

- 11.5 Monitoring of the neutralization process shall be done using calibrated monitors for the following process variables. The frequency of process monitoring shall be as prescribed in the IAP/NP.

11.5.1 pH;

11.5.2 temperature; and

11.5.3 recirculation flow rate (measured by approximation using pump discharge pressure and pump curve).

- 11.6 For the first three (3) batches, pH and temperature shall be measured at the bottom, middle, and top of the liquid at 3 locations along the length of the each tank (i.e., 9 locations total for each tank). Subsequently, the number of monitoring locations may be modified by the Unified Command (including the LDEQ).

- 11.7 After each neutralization batch is complete, the recirculation of the treatment tank shall continue for three tank volumes before a representative sample is taken.

- 11.8 A sample takeoff shall be installed on the flow-recirculation pump discharge line for withdrawing representative samples.

- 11.9 Sufficient freeboard shall be maintained in the treatment tanks to prevent splashing or other entrainment of the contents out of the tanks during any stage of the neutralization process.

- 11.10 Operations Personnel shall have the following:

11.10.1 Initial training in the neutralization process and daily refresher training prior to starting the neutralization cycle;

11.10.2 Daily briefing to identify lessons experienced in previous operations that may alter that day's operational cycle;

11.10.3 Equipment for communications with others on the neutralization process to allow for immediate notification of all of situational changes in the process; and

11.10.4 Sufficient lighting in the work area for safe and environmentally friendly operations.

- 11.11 Personnel shall be present throughout the neutralization process to evaluate the monitored parameters, to monitor the FSA solution discharge into the treatment tank and to monitor the surface of the tank for splashing and offgassing.

- 11.12 All comments received from the LDEQ, Unified Command or other governmental agencies (e.g., fire, sheriff/police, etc.) following the issuance of the permit shall be implemented and/or responded to in a timely manner (i.e., within 24 hours).
- 11.13 The IAP/NP shall contain provisions for air modeling and ambient air monitoring in order to ensure that no off-site impact to human health and the environment has occurred as a result of the permitted activities. Such activities shall be performed as necessary, or as otherwise directed by the Unified Command (including the LDEQ).

12.0 SPECIFIC PERMIT CONDITIONS

The Permittee shall comply with the following:

- 12.1 The initial (pilot test) neutralization batch shall be limited to one-half the normal batch as described in the IAP/NP.
- 12.2 All conditions in the IAP/NP shall be followed during the pilot test while monitoring the following:
 - 12.2.1 The recirculation line pH, temperature and flow rate;
 - 12.2.2 Offgassing of hydrogen fluoride; and
 - 12.2.3 Shifts in pH after the FSA solution feed has ceased.
- 12.3 Observations made during the pilot test shall be used to estimate actual volumes of caustic, dilution water and FSA solution that can be processed while maintaining sufficient freeboard within the tank to prevent spills and offgassing.
- 12.4 Upon determination that estimated operating parameters are appropriate to maintain the General Permit Conditions as described in Section 11.0 (i.e., the parameters must be approved by the Unified Command [including the LDEQ]), the Permittee shall continue neutralization operations based upon the IAP/NP.
 - 12.4.1 The periodically monitored operating parameters (pH, temperature, recirculation flow) shall be monitored at all times while neutralization is taking place to ensure operation within the limits set forth in the "Treatment Tank Monitoring" section of the IAP/NP.
 - 12.4.2 Permittee shall monitor each neutralization tank(s) in use during neutralization process for presence of hydrogen fluoride (HF) gas. Monitoring shall be in accordance with the IAP/NP. Monitoring records shall be maintained on-site by the Permittee.
 - 12.4.3 In the event that one or more of the periodically monitored parameters (as defined in Section 5.6 of the IAP/NP) exceeds the ranges given in the IAP/NP, FSA solution feed to the affected neutralization tank(s) shall be

cut off (i.e., ceased) immediately and the facility manager or his authorized representative shall be immediately notified.

13.0 OPERATING RECORD AND RECORDKEEPING

- 13.1 The Permittee is required to maintain a written operating record at the facility including but not limited to the following information:
 - 13.1.1 a description by its common name and the EPA hazardous waste number(s) which apply for each hazardous waste treated, stored or disposed of at the facility;
 - 13.1.2 the estimated or manifest-reported weight or volume and density (as applicable) reported in one of the units specified in LAC 33:V.1529.Table1;
 - 13.1.3 the method(s), EPA handling code(s) and dates(s) of treatment, storage and disposal;
 - 13.1.4 the location of each hazardous waste within the facility;
 - 13.1.5 the results of waste analyses and waste determinations;
 - 13.1.6 summary reports and details of incidents that require implementation of the contingency plan;
 - 13.1.7 the results of testing (e.g., pressure tests, hydrotests) and analytical data;
 - 13.1.8 process data recorded during batch operations (e.g.; pH, temperature, circulation flow rate, etc.) data log sheets, inspection log sheets, and operating procedures;
 - 13.1.9 any and all other monitoring data; and
 - 13.1.10 any other records specified in the IAP/NP.

14.0 SECONDARY CONTAINMENT OF PROCESS OPERATIONS

- 14.1 The Permittee is required to have and maintain secondary containment for all areas and units associated with this permit.
 - 14.1.1 For the neutralization process area and loading area, the secondary containment will consist of earthen berms covered with an impermeable liner. The impermeable liner must be anchored over the earthen berms with an inert material that will not jeopardize the integrity of the liner (e.g., sand, dirt, etc.).

15.0 CLOSURE AND DECONTAMINATION

- 15.1 The issuance of the permit to and its acceptance by the Permittee shall constitute a binding agreement that the Permittee shall develop and submit a closure plan for approval by the Unified Command (including the LDEQ). The closure plan must address the closure and decontamination of the treatment area, units, and ancillary equipment governed by the permit and as identified in the IAP/NP.

- 15.2 The closure plan must be submitted within thirty (30) days of issuance of the permit.
- 15.3 The closure plan must address all applicable regulations as specified in LAC 33:V.Chapters 19 and 35.

16.0 GENERAL WASTE ANALYSIS

- 16.1 For the first three (3) batches of operation, the Permittee must determine if the liquid waste and solid waste streams are hazardous prior to shipment off-site for disposal. The determination shall be made at the point of generation by testing the waste according to the methods set forth in the Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or according to an equivalent method approved by the LDEQ.
 - 16.1.1 Unless otherwise directed by the LDEQ, sampling shall be performed after clarification and solid/liquid separation of the neutralized waste material.
 - 16.1.2 As a minimum, analysis shall consist of TCLP metals, unless otherwise directed by the LDEQ.
 - 16.2.3 The Permittee shall provide analytical results to the LDEQ in conjunction with the Unified Command in order to determine whether additional batches will be sampled.
- 16.2 Sampling of additional batches may be necessary if the results show a significant variation between batches. Otherwise, for subsequent batches the Permittee may apply process knowledge of the hazard characteristic of the waste in light of the materials or the processes used unless significant changes in the treatment process has occurred.

17.0 MANIFEST SYSTEM

- 17.1 The Permittee shall comply with the requirement of the manifest system, as outlined in LAC 33:V.Chapter 11 when shipping hazardous waste off-site.
- 17.2 Off-site shipments of any hazardous waste must be reported on a manifest and must be delivered to a permitted hazardous waste facility, or as otherwise approved by the LDEQ.